



STAFF REPORT

STATUS REPORT FOR ACCEPTING ANONYMOUS COMPLAINTS FOR REPORTING CODE ENFORCEMENT VIOLATIONS

Honorable Mayor and Council Members:

Summary

On February 24, 2004, Council directed staff to begin a six month trial period for accepting anonymous complaints from citizens to report possible code enforcement violations that can be viewed from the public right-of-way. Staff is returning to Council at this time to provide an update and recommends the City continue accepting anonymous complaints as a permanent policy.

Background and Discussion

At the February 24, 2004 Council meeting, staff was directed to begin a six month trial period for accepting anonymous complaints for reporting possible code enforcement violations. This trial period began on March 1, 2004 and ended on August 31, 2004 (though anonymous calls are still being accepted).

To make it easier for citizens to report possible violations anonymously, staff established a code enforcement reporting telephone hotline and email address for citizens. The hotline (650) 610-5743 and the email address (codeenforcement@ci.belmont.ca.us) allow citizens to report violations that are visible from the public right-of-way anonymously without having to talk to a live person. Both the hotline and email accounts are checked daily for new complaints. These complaints are generally investigated within one business day. Citizens also have the option of mailing a letter or calling the Code Enforcement Officer directly to report violations.

During the trial period, there was a significant increase in the numbers of reports of possible violations when compared to the same time period from the previous year. During the trial period, there were 272 reports of violations. During the same period in the previous year (3/1/03 to 8/31/03), there were 97 code enforcement cases reported. The newer period yielded

280% more reports of violations. Of the 272 reports of violations, 251 were reported anonymously while 21 were reported by persons who provided their contact information.

Types of Complaints

The types of complaints that were received during the six month trial period were generally the same as before the anonymous reporting began, just at a higher volume. The following chart illustrates the type and the number of complaints received during the six month anonymous reporting trial period:

Type of Complaint	2004	2003	2004%	2003%
<i>Overgrown vegetation</i>	54	28	20%	28%
<i>Debris, trash or rubbish</i>	50	13	19%	14%
<i>Abandoned/Inoperable vehicles</i>	41	15	16%	16%
<i>Illegal construction/Unsafe buildings</i>	38	17	14%	18%
<i>Miscellaneous items (noise, animals, etc)</i>	18	4	6%	4%
<i>Trash cans stored in public view</i>	17	2	6%	2%
<i>Unsafe tree/Illegal tree removal</i>	11	0	4%	0%
<i>Unpaved parking</i>	9	2	3%	2%
<i>Illegal businesses</i>	7	7	2%	7%
<i>Illegal signage</i>	7	4	2%	4%
<i>Discarded appliances</i>	6	1	2%	1%
<i>Illegal/Unsafe fence</i>	6	1	2%	1%
<i>Basketball hoops stored in street</i>	3	1	1%	1%
<i>Storing items on a roof</i>	3	1	1%	1%
<i>Discarded building material</i>	1	1	1%	1%
<i>Discarded furniture</i>	1	0	1%	0%
Total calls for service	272	97	100%	100%

These figures do not include the 1000+ notices that were mailed to property owners as part of the City of Belmont/South County Fire 2004 open space vegetation removal program.

Citizen Response to Anonymous Complaint Hotline

As can be seen by the calls reporting violations, the anonymous reporting hotline and email reporting have been well received by the residents of Belmont. With the 280% increase in

calls reporting violations, the citizens appear to have taken full advantage of the hotline and email reporting system.

Staff believes that the increase in the number of complaints is a direct result of the anonymous reporting policy. Our experience in the past shows that some citizens are hesitant to report violations against their neighbors out of fear of retaliation. The anonymous reporting system allows these citizens to file complaints without the worry of their neighbor finding out who reported them.

Unfortunately, the anonymous reporting policy creates the possibility that residents may use the City to settle personal grudges because there is no fear by the reporting person of being discovered. This is a downside of anonymous reporting. Staff has occasionally received reports regarding possible illegal construction or other serious violations. When the City conducts its investigation, it is discovered that the accusation is either false or has been exaggerated. This causes resentment by the accused property owner towards the City for our investigation, including disbelief that a complaint was actually received.

The anonymous reporting program also creates situations where staff must do more work because there is no one to contact to obtain more information. At times, complaints are received with very limited or unclear information. Staff needs to talk to the reporting party for clarification but there is no contact information. When the situation is not corrected, the reporting person may call back demanding action and once again, not leave sufficient information. These incidents waste City resources and are frustrating to all.

Impact on City Resources

When a complaint is received via one of the reporting systems, staff enters the information into the computer tracking system. At this time, staff must also obtain the owners information and any other pertinent information related to the complaint. This may include:

- Researching history files to determine what has been previously approved
- Identifying other code action cases that are in progress or recently closed
- Determining if another city department or agency is pursuing a case against the address.

Staff then conducts an inspection of the property to verify the violation. This includes a drive-by of the property if the violation is visible from the public right-of-way or a notice being mailed to the owner asking for a site inspection. After the site inspection is completed and upon determining that there is a violation present, notices are mailed to the responsible party. Follow-up inspections are scheduled to verify if the violation has been corrected or if further action is required. Some situations require an extensive amount of staff time to research and perform the necessary steps to bring a property into compliance, especially if the violator proves difficult or uncooperative.

Even if a report of a possible violation is determined to be unfounded, staff time is still used to document the complaint, investigate the allegation, explain why it is unfounded and update the computer tracking systems to reflect this information.

With the increase in calls reporting possible violations and the time that it takes to investigate these reports, staff has a limited amount of time to perform other tasks or targeted programs, such as a sign enforcement program, an Old County Road clean-up program, or an El Camino Real monitoring program.

Previous Years' History and Future Trends

As it is impossible to predict future calls for service, staff uses the previous years' levels of activity and developed projections based on this information.

The trend for the previous years shows that there are more reports of violations in the spring and summer months than in the winter months. This can be attributed to the fact that the days are longer in the spring and summer, which allows residents to be outside more hours observing their neighborhood. The increase awareness of the anonymous reporting hotline and the continuing education program staff conducts may change this trend: High calls for service may continue through the winter months.

It is impossible to accurately predict what the future calls for service may be, but staff believes that in the winter months (November through March) the request for service will likely decrease, allowing staff time to pursue other enforcement programs. However, after March of next year the calls for service may again increase which will limit staff's ability to conduct other directed enforcement programs. (This should not affect the open space vegetation removal program that is performed each year in conjunction with South County Fire that begins in March and runs through August)

It is possible that, while call volume will remain above historical levels, once a program is "routine", the volume may settle down some. In other words, the spike in calls during the six month trial period may be partly due to the novelty of being able to make anonymous calls.

Options

Staff sees three basic options for the Council to consider:

1. Extend the trial period for accepting anonymous reports of possible code violations for another six months to gather further data.

Extending the trial period for another six months will allow staff to gather data for an entire year. This should allow staff the ability to provide a more accurate measure of trends with the anonymous reporting policy. Using this information will allow staff to determine when the best time of the year will be to begin specific enforcement programs.

2. Begin accepting anonymous complaints to report possible violations as a permanent policy for the City of Belmont.

Making the acceptance of anonymous complaints a permanent policy will allow staff to continue to accept complaints as it has for the last six months. Accepting anonymous complaints appears to have been well received by the citizens and provides them with another tool to maintain a set of values for the appearance of their neighborhood.

It is impossible to accurately predict if the workload will increase which may restrict staff from conducting other enforcement programs. However, staff believes that during the winter months, when there is a history of a reduction in the overall reports of new violations when compared to the summer months, staff may be able to conduct directed enforcement program with the current resource levels.

If, overtime, it appears that other functions are not achievable due to the high volume of calls, staff would report back to Council.

3. No longer accept anonymous complaints to report possible violations and return to the past practice of only accepting written complaints to report violations.

This is the policy that was in place between 2001 and March 2004. No longer accepting anonymous complaints will require all new reports of violations to be in writing and require the reporting person to include their name and phone number. In the past, citizens have been hesitant to provide this information out of fear their neighbors will find out they called even though the City does take precautions to keep their information confidential. This fear may cause some violations to go unreported which may allow the problem to grow into a larger issue at a later time.

Fiscal Impact

There is no fiscal impact at this time. The hotline and staff resources necessary to investigate complaint can be accomplished within the existing budget.

Recommendation

Staff believes that the anonymous reporting policy has been a productive resource for the community to maintain a set of values for their neighborhoods and recommends to the Council to accept the anonymous reporting of code enforcement violations (option #2) as a permanent policy of the City.

Alternatives

1. Select a different option.
2. Provide alternative direction to staff.
3. Take no action at this time.

Respectfully submitted,

Kirk Buckman
Code Enforcement
Officer

Craig Ewing
Community Development
Director

Daniel Rich
Interim City Manager

Attachments

1. Statement of Code Enforcement Policies
2. CRW tracking report for open cases between March 1, 2004 and August 31, 2004.